

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

MSK CONSTRUCTION, INC.,)	C.A. NO. 2:22-cv-03429-DCN
)	
Plaintiff,)	
)	
v.)	
)	
RUNNING WATER, LLC AND)	ANSWERS TO
FRANKENMUTH MUTUAL INSURANCE)	LOCAL RULE 26.01
COMPANY)	INTERROGATORIES
)	
Defendant.)	
)	

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

ANSWER: Frankenmuth Mutual Insurance Company (“Frankenmuth”), as surety, is subrogated to all claims and defenses of Running Water, LLC (“Running Water”), its principal, with respect to the subject project. In addition, pursuant to a General Agreement of Indemnity, Running Water, LLC has assigned all right title and interest in its claims and defenses to Frankenmuth Mutual Insurance Company.

(B) As to each claim, state whether it should be tried jury or non-jury and why.

ANSWER: Frankenmuth believes the claims are better served in a non-jury trial. Technical issues associated with construction projects often prove difficult for juries to follow.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner,

or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

ANSWER: Not Publicly owned.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

ANSWER: Project was located within the division.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which *may be* related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases; arise from the same or identical transaction, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

ANSWER: No.

(F) [Defendants only.] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

ANSWER: Defendant is properly identified.

(G) [Defendants only] If you contend that some other person or legal entity is, in whole or in part, liable to your or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

ANSWER: To the extent that any liability is found against Frankenmuth, Running Water is liable to Frankenmuth in the basis of common law indemnification and exoneration. Running Water and Sharod L. White, owner of Running Water, are liable to Frankenmuth on the basis of contractual indemnity and exoneration pursuant to a certain General Agreement of Indemnity.

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* Pro Hac Vice Motion will be forthcoming

Attorneys for the Defendant Frankenmuth Mutual Insurance Company

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